

KEVIN G. HORBATIUK (KGH-4977)
MATTHEW P. MAZZOLA (MM-7427)
RUSSO, KEANE & TONER, LLP
Attorneys for Defendant
CUNNINGHAM DUCT WORK s/h/i/a
CUNNINGHAM DUCT CLEANING CO., INC.
26 Broadway - 28th Floor
New York, New York 10004
(212) 482-0001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
**IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION**
-----X

21 MC 103 (AKH)

**ZBIGNIEW SZYNKOWSKI (AND WIFE, EWA
SZYNKOWSKA,**

**DOCKET NO:
08 CV 2308**

Plaintiffs,

-against-

**7 WORLD TRADE COMPANY, L.P., A RUSSO
WRECKING, INC., ABM INDUSTRIES INC.,
ABM JANITORIAL NORTHEAST, INC., AMEC
MANAGEMENT, INC., AMEC EARTH
ENVIRONMENTAL, INC., ANTHONY CORTESE
SPECIALIZED HAULING LLC., ATLANTIC
HEYDT CORP., BECHTEL ASSOCIATES PROFESSIONAL
CORPORATION; BECHTEL CONSTRUCTION, INC.,
BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL
INC., BERKEL & COMPANY, CONTRACTORS,
INC., BIG APPLE WRECKING & CONSTRUCTION CORP.,
BOVIS LEND LEASE LMB, INC., BREEZE CARTING
CORP., BREEZE NATIONAL INC., BRER-FOUR
TRANSPORTATION CORP., BURO HAPPOLD
CONSULTING ENGINEERS, P.C., C.B. CONTRACTING
CORP., CANRON CONSTRUCTION COP., CORD
CONTRACTING CO., INC., DAKOTA DEMO TECH;
DIAMOND POINT EXCAVATING CORP., DIEGO
CONSTRUCTION, INC., DIVERSIFIED CARTING, INC.,
DMT ENTERPRISE, INC., D'ONOFRIO GENERAL
CONTRACTORS CORP., EAGLE LEASING &
INDUSTRIAL SUPPLY INC., EAGLE ONE ROOFING**

**NOTICE OF ADOPTION
OF ANSWER TO
MASTER COMPLAINT**

CONTRACTORS, INC., ED DAVIES, INC., EN-TECH CORP., EVERGREEN RECYCLING OF CORONA (EROC) EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C, FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION; INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK LLP., GOLDSTEIN KOCH SKANSKA INC., LAQUILA CONSTRUCTION INC., LASTRADA GENERAL GENERAL CONTRACTING CORP., LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLESS, INC. LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASTEEL, MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING INC., HUDSON MERIDIAN CONSTRUCTION GROUP; LLC F/K/A MERIDIAN CONSTRUCTION CORP., MORETRENCH AMERICAN CORP., MRA ENGINEERING, P.C., MUESER RUTLEDGE CONSULTING ENGINEERS, INC., NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP., NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC., PINNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PLAZA CONSTRUCTION CORP., PRO SAFETY SERVICES, LLC.; PT & L CONTRACTING CORP., ROBERT SILMAN ASSOCIATES, ROBERT L. GEROSA, INC., RODAR ENTERPRISES, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP., SILERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEDGER, INC., SKIDMORE, OWING & MERRILL LLP; SURVIVAIR, TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI, GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC., TUCCI EQUIPMENT RENTAL CORP., TULLY CONSTRUCTION O., INC., TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP., WEEKS MARINE INC., WEIDLINGER ASSOCIATES,

**CONSULTING ENGINEERS, P.C., WHITNEY
CONTRACTING INC., WOLKOW-BRAKER ROOKING
CORP., WORLD TRADE CENTER PROPERTIES, LLC.,
WSP CANTOR SEINUK, YANUZZI & SONS, INC., YONKERS
CONTRACTING COMPANY, INC., YORK
HUNTER CONSTRUCTION, LLC., ZIEGENFUSS
DRILLING, INC.,**

OFF SITE:

**100 CHURCH, LLC, 160 WATER STREET, INC.,
160 WATER STREET ASSOCIATES, 90
CHURCH STREET LIMITED PARTNERSHIP,
AIG REALTY, ALAN KASMAN DBA KASCO,
AMBIENT GROUP, INC., AMG REALTY PARTNERS, LP.,
LTD., ANN TAYLOR STORES CORPORATION,
BANKERS TRUST COMPANY, BATTERY PARK
CITY AUTHORITY, BELFOR USA GROUP, INC.,
BFP ONE LIBERTY PLAZA CO., LLC.,
BLACKMON-MOORING STEAMATIC
CATASTROPHE, INC., d/b/a BMS CAT, BOARD OF
MANAGERS OF THE HUDSON VIEW EAST
CONDOMINIUM, BOSTON PROPERTIES, INC.,
BROOKFIELD FINANCIAL PROPERTIES, INC.,
BROOKFIELD FINANCIAL PROPERTIES, LP,
BROOKFIELD PARTNERS, LP, BROOKFIELD
PROPERTIES CORPORATION,
BROOKFIELD PROPERTIES HOLDING, INC.,
BT PRIVATE CLIENTS CORP., CUNNINGHAM DUCT
DEUTSCHE BANK TRUST COMPANY,
DEUTSCHE BANK TRUST COMPANY AMERICAS,
DEUTSCHE BANK TRUST CORPORATION,
ENVIROTECH CLEAN AIR, INC., G.L.O.
MANAGEMENT, INC., GENERAL RE SERVICES CORP.,
GPS ENVIRONMENTAL CONSULTANTS, INC.,
HILLMAN ENVIRONMENTAL GROUP, LLC
HUDSON VIEW EAST CONDOMINIUM,
HUDSON VIEW TOWERS ASSOCIATES,
INDOOR ENVIRONMENTAL TECHNOLOGY, INC.,
JONES LANG LASALLE AMERICAS,
INC., JONES LANG LASALLE SERVICES, INC.,
KASCO RESTORATION SERVICES CO., LAW
ENGINEERING, P.C., MERRILL LYNCH & CO.,
INC., NATIONAL ASSOCIATION OF SECURITIES
DEALERS, INC., NEW LIBERTY PLAZA LP.,**

**NEW YORK CITY INDUSTRIAL DEVELOPMENT,
AGENCY, NEW YORK CITY INDUSTRIAL
DEVELOPMENT CORPORATION, NOMURA
HOLDING AMERICA, INC., NOMURA SECURITIES
INTERNATIONAL, INC., ONE LIBERTY PLAZA,
ONE WALL STREET HOLDINGS, LLC.,
R Y MANAGEMENT CO., INC.,
ROYAL AND SUNALLIANCE INSURANCE
GROUP, RY MANAGEMENT, STRUCTURE TONE
(UK), INC., STRUCTURE TONE GLOBAL SERVICES, INC.,
THAMES REALTY CO., THE BANK OF
NEW YORK COMPANY, INC., THE BANK OF NEW YORK
TRUST COMPANY, NA., THE BOARD OF MANAGERS OF
ONE LIBERTY PLAZA CONDOMINIUM (CONDO # 1178),
THE ONE LIBERTY PLAZA CONDOMINIUM (#1178),
TISHMAN INTERIORS CORPORATION, TOSCORP INC.,
TRC ENGINEERS, INC., TUCKER ANTHONY, INC.,
TULLY CONSTRUCTION CO., INC., TULLY
INDUSTRIES, INC., WESTON SOLUTIONS,
INC., WFP ONE LIBERTY PLAZA CO., L.P.,
WFP ONE LIBERTY PLAZA CO. GP, CORP.,
WFP TOWER A CO., WFP TOWER A CO., G.P. CORP.,
WFP TOWER A. CO., L.P., WFP TOWER B
CO., G.P. CORP., WFP TOWER B HOLDING CO., LP.,
WFP TOWER B. CO., L.P., WORLD FINANCIAL
PROPERTIES, L.P., and ZAR REALTY MANAGEMENT
CORP., ET AL**

Defendants.

-----X

PLEASE TAKE NOTICE, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

WHEREFORE, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 5, 2008

Kevin G. Horbatiuk
Kevin G. Horbatiuk (KGH4977)
Matthew P. Mazzola (MM7427)
Attorneys for Defendant
CUNNINGHAM DUCT WORK s/h/i/a
CUNNINGHAM DUCT CLEANING CO., INC.
RUSSO, KEANE & TONER, LLP
26 Broadway, 28th Floor
New York, New York 10004
(212) 482-0001
RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,
WORBY GRONER EDELMAN & NAPOLI BERN, LLP
Attorney for Plaintiffs
ZBIGNIEW SZYNKOWSKI (AND WIFE, EWA
SZYNKOWSKA),
115 Broadway 12th Floor
New York, New York 10006
(212) 267-3700

CERTIFICATION OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 5th day of May, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,
WORBY GRONER EDELMAN & NAPOLI BERN, LLP
Attorney for Plaintiffs
**ZBIGNIEW SZYNKOWSKI (AND WIFE, EWA
SZYNKOWSKA),**
115 Broadway 12th Floor
New York, New York 10006



KEVIN G. HORBATIUK